

REMARKS

Claims 1-17 are pending in the application. In the Final Office Action of September 26, 2003, the Examiner made the following disposition:

- A.) Rejected claims 1, 4-8, 10, 12-15 and 17 under 35 U.S.C. §102(b) as being anticipated by *Shiemann*.
- B.) Rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann* in view of *Reed*.
- C.) Rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann* in view of *Everette et al.*
- D.) Rejected claims 11, 13, 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann*.

Applicant respectfully traverses the rejections and address the Examiner's disposition as follows:

- A.) Rejection of claims 1, 4-8, 10, 12-15 and 17 under 35 U.S.C. §102(b) as being anticipated by *Shiemann*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1, as amended, claims a container comprising a first container portion having a wall defining an interior and an exterior of the first container portion, and a second container portion having a wall defining an interior and an exterior of the second container portion. The wall of the second container portion defines a side wall of the second container that terminates at a top of the second container portion such that the second container portion does not have a shoulder or a neck at the top of the second container portion. (An illustrative example of the second container portion 28 is illustratively depicted in Figure 3). The exterior of the second container portion is spaced apart from the exterior of the first container portion via a connecting portion. The first container portion, second container portion and connecting portion are co-molded.

Applicant's independent claim 15, as amended, claims a method of forming a container, the method comprising the steps of: co-molding a wall defining an interior and an exterior of a first container portion, a wall defining an interior and an exterior of a second container portion, the wall of the second container portion defining a side wall of the second container that terminates at a top of the second container portion such that the second container portion does not have a shoulder or a neck at the top of the second container portion, and a connecting portion integral to and spacing apart the exteriors of the first container portion and the second container

portion.

This is clearly unlike *Shiemann*, which fails to disclose or even suggest a second container portion that has neither a shoulder nor a neck. Referring to *Shiemann* Figure 1, *Shiemann* discloses a second container portion 13 that has a side wall that extends into a shoulder, which in turn extends into a threaded neck 16. Therefore, unlike Applicant's claimed second container portion wall that has no neck or shoulder, *Shiemann* clearly has a shoulder and neck.

Accordingly, *Shiemann* fails to disclose or even suggest Applicant's claims 1 and 15.

Claims 4-8, 10, 12-14 and 17 depend directly or indirectly from claims 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann* in view of *Reed*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1 is allowable over *Shiemann* as discussed above. *Reed* still fails to disclose or suggest a second container portion that has neither a shoulder nor a neck. To begin with, unlike Applicant's claims 1 and 15, *Reed* fails to teach a co-molded second container portion, and instead teaches an attachable second container portion. Further, *Reed's* second container portion clearly has a shoulder and a neck. Similar to *Shiemann*, *Reed* discloses a second container portion 6 side wall that extends into a shoulder, which in turn extends into a neck at the top of the second container portion. Therefore, *Reed* fails to disclose or suggest Applicant's claimed second container portion.

Accordingly, *Shiemann* in view of *Reed* still fails to disclose or suggest Applicant's claim 1.

Claims 2 and 3 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann* in view of *Everette et al.*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1 is allowable over *Shiemann* as discussed above. *Everette* still fails to disclose or suggest a second container portion that has neither a shoulder nor a neck. *Everette's* second container portion clearly has a shoulder and a neck. *Everette's* container side wall extends in a vertical plane, then rounds a shoulder, and then extends at a different slope toward a center of the container. *Everette's* side wall then terminates in a threaded neck. Therefore, *Shiemann* in view of *Everette* still fails to disclose or suggest Applicant's claim 1.

Claim 9 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

D.) Rejection of claims 11, 13, 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Shiemann*:

Applicant respectfully disagrees with the rejection.

Applicant's independent claims 1 and 15 are allowable over *Shiemann* as discussed above.

Claims 11, 13, 14 and 16 depend directly or indirectly from claims 1 or 15 and are therefore allowable for at least the same reasons that claims 1 and 15 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claim 1-17 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

Christopher P. Rauch (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHEIN, NATH & ROENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 26, 2004.

Christopher P. Rauch (Reg. No. 45,034)
Christopher P. Rauch